

Appl. No. 09/466,405
Amdt. dated January 21, 2204
Reply to Office Action of October 22, 2003

REMARKS/ARGUMENTS

Applicants respectfully note that an Amendment to the Specification and Drawings was submitted in the Response to Non-Final Office Action of dated August 23, 2002. The response was mailed to the Patent Office on February 20, 2003 accompanied by a request for a three-month extension. Proposed drawing corrections of FIG. 1 and FIG. 2 and a substitute Specification had been submitted.

Furthermore, Applicants note that a more descriptive title in the substitute Specification had been proposed, in the title, "System and Method for Decoupling Conditions and Addresses from Branch Instructions.

Applicants respectfully bring to Examiner's attention that the aforementioned amendments have not been acknowledged. Applicants believe that the objections have already been addressed.

Claims 10-29 are pending in the application.

Claims 10, 12, 14, 18, 22, and 26 are objected to for failing to comply with 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 10, 11, 12, 14, 16, 17, 18, 20, 21, 22, 23, 25, 26, and 29 are rejected under 35 U.S.C. §102(e) as being anticipated by *Natarjan* (U.S. Patent No. 5,857,104).

The §112 Rejection

Applicants have carefully reviewed the claims and has amended the claims in response to Examiner's objections. Applicants believe they have addressed Examiner's concerns with respect to the §112 rejections and requests that they be withdrawn.

The §102 Rejection

Applicant respectfully traverses the rejection. The Office Action presents a reference the does not contain every element recited in the claim in as complete detail as is contained in the claims and arranged as recited in the claims. The citation of "abstract, column 5, lines 9-62," is not specific enough for Applicant to ascertain exactly which

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element is present in the reference. Consequently, a case for anticipation under §102 has not been made.

Natarjan "pertains to computer systems. More particularly, this invention relates to a synthetic dynamic branch prediction in a computer system that is both accurate and cost-effective. (col.1, lines 5-10)." Furthermore, "described below is a compiler that includes a branch statistics data analyzer to analyze branch statistics data of a branch instruction to construct a branch predictor function for the branch instruction. A branch prediction instruction generator is coupled to the branch statistics data analyzer to generate at least one prediction instruction to implement the branch predictor function. A main compiling engine is coupled to the branch prediction instruction generator to insert the prediction instruction before the branch instruction (col. 3 lines 35-45)."

In addition, a runtime branch prediction synthesizer is also described that includes a branch statistics data analyzer to analyze branch statistics data of a branch instruction to construct a branch predictor function for the branch instruction. A branch prediction instruction generator is coupled to the branch statistics data analyzer to generate at least one prediction instruction to implement the branch predictor function. A runtime code manager is coupled to the branch prediction instruction generator to insert the prediction instruction before the branch instruction. (col. 3, lines 46-54)."

In contrast, Applicants' claimed invention addresses a need "to enhance the efficiency of a computer system. It is a further object of this invention to enhance the reliability and maintainability of a program operated on a computer system. It is a further object of this invention to improve the predictive aspects of a pre-fetch system. It is a further object of this invention to ease the task of program development.

These objects, and others, are achieved by providing an architecture that supports the decoupling of parameters typically associated with branch instructions. Branch and call instructions are provided that do not contain an explicit destination address; and, branch, call, and return instructions are provided that do not contain an explicit test condition. In accordance with this invention, the processing system provides a "default" value to any control element in the processor that is not expressly controlled by a particular instruction. In the case of a branch or call instruction, the default destination-address provided to effect the branch or call is the destination-address provided by a prior

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instruction. Subsequent or alternative branch or call instructions branch to this same address until the default address is set to a different address. In like manner, in most cases, the default condition that is used to determine the result of a conditional test, such as a conditional branch, call, or return instruction, is the last condition specified in a prior instruction. To further support the above objects of this invention, and others, condition-testing can also be effected prior to the execution of conditional instructions. (Substitute Specification, page 4)."

To establish anticipation under §102, §MPEP 2131 provides:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)

Applicants request that the 102 rejections be withdrawn. In that independent claims 10, 18, 22, and 26 are allowable over the cited reference; claims depending therefrom are also allowable.

Applicants believe they has addressed the Examiner's concerns. Therefore, the claims, as amended, are now allowable over the cited reference. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Please charge any fees other than the issue fee and credit any overpayments to Deposit Account 14-1270.

Respectfully submitted,

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By Peter Zawilski
Peter Zawilski
Registration No. 43,305
(408) 474-9063

Correspondence Address:

Intellectual Property & Standards
Philips Electronics North America Corporation
1109 McKay Drive; Mail Stop SJ41
San Jose, CA 95131 USA

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